

**DRVD  
CONFIDENTIAL REPORT**

**AN INVESTIGATION INTO ALLEGATIONS OF SEXUAL ABUSE**

**A nine-year-old, deaf, Caucasian, male student at the Virginia School for the Deaf and Blind - Staunton, allegedly sexually abused by a VSDB-S staff person's boyfriend.**

**DRVD Case # 97-0082P  
Department for Rights of Virginians with Disabilities  
Fishersville Field Office  
Beth Chadwell, Advocate  
November 24, 1997**

**I. INTRODUCTION**

This report summarizes the findings of my investigation into the alleged sexual abuse of SS, a nine year-old, deaf, Caucasian, male student at the Virginia School for the Deaf and Blind in Staunton, Virginia ("VSDB-S"). SS was allegedly sexually abused by a staff person's boyfriend in May and June of 1996.

I conducted this investigation pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 1994.

My investigation included:

1. Review of SS's records from VSDB-S;
2. Telephone conversations with a Virginia State Police investigator;
3. Several interviews with SS's grandmother, his legal guardian;
4. Review of the Virginia Department of Education's ("VaDOE") investigation report of the alleged sexual abuse of SS at VSDB-S.

I did not interview SS because of my concern for his emotional condition and the possibility for further emotional damage. SS had reportedly been violent toward family members and had been placed in various foster care placements after his October 14, 1996, suspension from VSDB-S.

## **II. ALLEGATION**

On November 18, 1996 the spokesperson for the Parents Spearhead Committee ("PSC") at VSDB-S shared an anonymous letter that she had received with the Virginia State Board of Education during its monthly meeting. The letter identified two male students at VSDB-S as being possible victims of sexual abuse by an unnamed male visitor to campus. The male visitor was identified in the letter as being the boyfriend of a VSDB-S staff person. The boyfriend was described in the letter as having long blond hair and tattoos of naked women on his forearms. The letter said both students were sent home for inappropriate sexual behavior after this male's presence on campus. Because SS was identified in the letter as a possible victim of sexual abuse, DRVD opened a case.

The PSC spokesperson shared the letter with me on November 18, 1996. The letter said that a VSDB-S staff person had brought her boyfriend to work with her in the dorm at VSDB-S. The letter alleged that the staff person's boyfriend was responsible for boys in the dorm evidencing behavioral problems and inappropriate sexual behavior.

## **III. BACKGROUND**

At the time the incident allegedly occurred, SS was a nine year-old, deaf, Caucasian, male. SS became a residential student at VSDB-S on March 1, 1995. He was suspended from the school on October 14, 1996 for increasingly aggressive behavior towards staff and students. He had made threats to harm himself and other students and he refused to comply with dormitory rules.

At the time DRVD opened the case, SS resided in Vansant, Virginia, with his grandmother, who was his legal guardian. I contacted SS's grandmother on November 22, 1996 to discuss the alleged sexual abuse. She told me that SS was driven to her house by the Special Education Director for Buchanan County Schools following his suspension. SS's grandmother told me that SS wrote a letter to the Special Education Director during the drive home. In the letter, SS described what allegedly happened to him at VSDB-S. The Special Education Director found the letter in his car after he took SS home. The letter said: "You keep this to tell VSDB and my staff to understand this. SS. What is my problems. Some high school use bad language then I copy it and I was worry about Hitler and some boy bully to me. Boy talk about sexy (sexx?) and boy show me them private area and boy hit me and other boys. Boy use tack to hurt my legs. Boy use weapons to hurt me. Boy think VSDB is for sexy (sexx?) and weapons I said no it is for learns and work. Then boy hurt me for nothing so that why I was bad (sad) The end thank you Boy kick my private area that why I piss off." (SS's letter to the Special Education Director)

SS's grandmother told me that SS was very difficult to handle after he returned home and that she believed "something terrible" had happened to him while he was at VSDB-S. She said that SS's behavior had deteriorated, he was wetting the bed continuously, was full of anger and frustration, and made her sleep with him at night. She also said SS did not want her to talk with anyone about VSDB-S. During a second conversation with SS's grandmother on December 5, 1996, she indicated SS had beat her, locked her out of the house, and threatened his grandfather with a knife.

#### **IV. CIRCUMSTANCES SURROUNDING THE INCIDENT**

##### **A. Investigations**

##### **1. Virginia State Police**

As of the date of this report, the Virginia State Police have not completed their final report regarding the alleged sexual abuse of SS by the VSDB-S staff person's boyfriend. During a telephone conversation on December 17, 1996, the Virginia State Police Investigator told me that she had conducted an interview with SS at his home in Vansant, Virginia. The Virginia State Police Investigator said that when she asked SS to whom he was referring in his letter to the Special Education Director he named four students. He told the Investigator that these four students came to his room at night, beat him, and kicked him in his private parts. SS did not mention the VSDB-S staff person's boyfriend at all. When the Virginia State Police Investigator asked SS where the house parent was when these things occurred, SS said that she was in the office. SS also said that he did not tell anyone about the assault.

The Virginia State Police Investigator said that the VSDB-S staff person's boyfriend had previously been arrested in Kentucky and had numerous pornographic pictures of young women in his possession at that time. She said that none of the pictures were of VSDB-S males. The Virginia State Police Investigator indicated that the VSDB-S staff person's boyfriend appeared to be a con artist who was interested in young adult women.

##### **2. Virginia Department of Education**

In response to the letter given to the Virginia Board of Education on November 18, 1996 identifying SS as a possible victim of sexual abuse by a VSDB-S staff person's boyfriend, a compliance officer

for VaDOE investigated the alleged incident. VaDOE conducted a three-day investigation. The investigation included reviewing selected records, policies and procedures, interviewing selected staff, administrators, and students, and visiting Price Hall dormitory where SS was a resident.

VaDOE's investigation report dated February 18, 1997, found that:

The VSDB-S staff person's boyfriend accompanied her twice to campus activities. On May 23, 1996, he was with her during her regular 3:00 PM-11:00 PM shift. During that time, the children experienced routine and evening activities, including attending a school play. Both boys identified in the letter were present. On June 1, 1996, the staff person's boyfriend accompanied her and the students on a school outing to the pool and restaurant. SS did not attend this event. (VaDOE Investigation Report, February 18, 1997, Page 3)

VaDOE's investigation report concluded that there was no evidence the VSDB-S staff person's boyfriend harmed SS for the following reasons:

- There was no identifiable opportunity for him to have been alone with any of the boys.
- To date, SS has not acknowledged or referenced this male. Interviews with all boys in the VSDB-S staff person's group revealed no information to suspect this male or to suggest that he did anything inappropriate with any of the boys.
- It is highly improbable that he was on campus long enough to adversely influence the boys.
- While there is a possibility that he may have visited or returned to campus, the fact is, that no house parent or student can verify his presence on campus. Given his physical description and accent, it seems that he would have been easy to identify.
- A review of SS's record revealed that whatever behavioral issues existed after his presence on campus were actually present before his visit.
- While not dismissing the fact that the Kentucky police later arrested this individual, there is no direct correlation between the arrest and his earlier presence on the VSDB-S campus. The pornographic pictures found in his possession at the time of his arrest were not of the VSDB-S boys. As noted above, there was

no identified opportunity for him to have been alone with any of the boys. Moreover, please be advised that the Standards do not require background checks on visitors. Although the later arrest may presently call into question this man's character, we have been provided no evidence that his character was in question, or should have been questioned during his campus visits. (VaDOE Investigation Report, February 18, 1997, Page 4)

VaDOE's investigation report also considered and addressed SS's letter to the Special Education Director. VaDOE's investigation report concluded that there was no evidence that VSDB-S failed to provide for SS's well being. VaDOE's report stated:

- A review of SS's record indicated an extensive history of disciplinary problems relative to the very things he accuses the other boys of doing to him. Moreover, I visited the boys' dorm floor where SS had resided. I noted the configuration of the rooms and proximity to the staff office. I also reviewed the staffing schedule over a sample 6-month period during SS's stay at VSDB-S. I concluded that it is highly improbable that the boys could have attacked SS in his bedroom without any detection. Further, the altercations as described by SS would have left some lacerations, cuts, or bruises that staff would have seen on SS's body. There is no health record of SS being treated for discomfort, pain, bleeding, or injury related to an involvement with another student or that could be linked to another boy. Additionally, a review of the dorm log notes over this same period, did not disclose any information supporting SS's claim.
- Giving credence to SS's assertions is difficult because his record indicated the higher probability that he initiated the very actions he accuses the other boys of doing to him. The state police's interview of SS and my review of all the boys' records could not surface any evidence to support SS's statements. (VaDOE Investigation Report, February 18, 1997, Pages 6 and 7)

On November 18, 1997, I spoke with the VaDOE compliance officer who wrote VaDOE's February 18, 1997 investigation report. She told me that she interviewed the students that SS named during his interview with the Virginia State Police Investigator. She said that the testimony of the students she interviewed did not support the allegation that SS was physically attacked in the dorm or that VSDB-S failed to provide for SS's well-being.

VaDOE's investigation report found that VSDB-S had not complied with several internal policies concerning visitors to the facility. VaDOE's report indicated that, during the pendency of their investigation, VSDB-S corrected the deficiencies.

### **3. SS's VSDB-S Record**

SS's record at VSDB-S included numerous incident reports, staffing reports, and staff notes, dating back to September 1995, describing him as refusing to follow rules, being disrespectful to staff, using inappropriate language, and attempting to engage in sexual behavior with other students.

An incident report, dated September 18, 1995, indicated that SS was found in another male student's bedroom touching the student in a sexually inappropriate way. A staffing report, dated October 3, 1995, indicated that SS exhibited challenging behaviors including lying and blaming others, sexually suggestive behavior, and fighting. The note also indicated SS experienced enuresis and that his bed was wet two or three times in a given night.

A staff note, dated November 11, 1995, indicated that SS tried to touch the buttocks of a female staff person. Another staff note, dated April 22, 1996, indicated that SS used inappropriate language with a female student, grabbed another male student by the neck, and opened his pants to a female student.

An incident report, dated September 11, 1996, indicated SS grabbed a pair of scissors and acted like he was going to stab another student. The report said SS exposed himself to staff and, when redirected, he laughed and exposed himself to the student center. Another incident report, dated September 16, 1996, indicated SS was standing in the hallway in his dorm, with his pajama bottoms down, shaking his penis at the other boys.

## **V. FINDINGS AND CONCLUSIONS**

As a result of my investigation, I conclude that SS was not sexually abused at VSDB-S by the VSDB-S staff person's boyfriend. In reaching this conclusion, I considered that:

1. SS's letter to the Special Education Director did not mention the VSDB-S staff person's boyfriend;

2. SS did not mention the VSDB-S staff person's boyfriend to the State Police Investigator who interviewed him concerning the alleged sexual abuse;
3. VaDOE's investigation concluded that there was no evidence that the VSDB-S staff person's boyfriend harmed SS and cited six compelling factors in support of that conclusion;
4. A review of SS's VSDB-S record indicates he had an extensive history of severe behavioral problems and sexually inappropriate behavior for almost a year before the VSDB-S staff person's boyfriend visited the VSDB-S campus in May and June of 1996.

## **VI. RECOMMENDATIONS**

Due to a lack of evidence in support of the alleged sexual abuse of SS at VSDB-S by the boyfriend of a VSDB-S staff person during May and June of 1996, I recommend that this investigation be closed. The VaDOE investigation concluded that VSDB-S had failed to comply with several internal policies concerning visitors to the facility. VaDOE's investigation report states, however, that VSDB-S corrected the identified deficiencies during the course of VaDOE's investigation.